

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

NOV 17 2017

David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

United States of America )

v. )

Roel AGUILAR-Alvarez )  
(YOB: 1992, COB: Mexico) )Case No. U-17-2099-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 17, 2017 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

17 U.S.C. § 506(a)(1)(A)

Criminal Infringement of a Copyright

18 U.S.C. § 2319(b)(1)

The willful infringement of copyrights for purposes of commercial advantage and private financial gain by the reproduction and distribution, during any 180-day period, of at least 10 copies, of 1 or more copyrighted works, which have a total retail value of more than \$2,500.

This criminal complaint is based on these facts:

SEE "ATTACHMENT A"

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on November 18, 2017.

✓ Continued on the attached sheet.

Submitted by reliable electronic means, sworn to and  
attested to telephonically per Fed. R. Cr. P. 4.1, and  
probable cause found on:

s/ Brian Yontz

Complainant's signature

Brian Yontz, HSI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/17/20174:59 pm

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT A**

I, Brian Yontz, am a Task Force Officer (TFO) assigned to the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On November 17, 2017, HSI special agents (SA) and TFOs executed a search warrant at 1507 Colima Street in Donna, Texas.
2. During a search of the residence and vehicles found on the property, agents discovered over two thousand (2,000) movie digital video discs (DVDs) in plain sight that appeared to be counterfeit reproductions. Additionally, inside the residence, Agents observed six (6) DVD duplicator disc copier towers, several boxes containing blank DVDs, generic DVD sleeves, and other supplies used in the reproduction of the counterfeit movie DVDs. Agents seized the counterfeit DVDs found in the residence and vehicles.
3. Agents encountered Roel AGUILAR-Alvarez at the residence and detained him for questioning. AGUILAR-Alvarez was advised of his Miranda warnings by HSI TFO Yontz, which he stated he understood and subsequently waived in writing. Post-Miranda, AGUILAR-Alvarez stated that the movie DVDs found by the agents belonged to him, as did the six (6) DVD duplicator disc copier towers in the residence. AGUILAR-Alvarez told agents that he knew that copying movie DVDs and selling them was against the law. AGUILAR-Alvarez stated he would copy approximately four hundred (400) DVDs weekly, that is, on Mondays, Thursdays, and Saturdays. He also said he would sell the DVDs he had copied for \$1.00 at the Val Verde Flea Market (Val Verde Road and Business 83 in Donna, Texas) on Wednesdays, Fridays, Saturdays, and Sundays and he estimated that he sold approximately 300 DVDs a day. AGUILAR-Alvarez further stated he had copied approximately 400 DVDs on November 16, 2017.
4. Upon inspecting the DVDs, it was apparent that they were not commercial discs based on their packaging but instead counterfeit movie DVDs. The packaging of the DVDs consisted of generic DVD sleeves and the movie titles were handwritten on the DVDs.
5. A random sampling of the seized counterfeit DVDs includes the following movie titles: Cars 3, Captain Underpants, Dory, Dark Tower, Allied, 50 Shades Darker, 47 Meters Down, Atomic Blonde, All Eyes on Me, and American Made. The retail value for each of these movies was obtained through the Target store website – [www.target.com](http://www.target.com).  
Cars 3 – 25 copies – \$17.99 each = \$449.75  
Captain Underpants – 40 copies – \$19.99 each = \$799.60  
Dory – 12 copies - \$19.99 each = \$239.88  
Dark tower – 48 copies – \$19.99 each = \$959.52  
Allied – 11 copies – \$13.00 each = \$143.00  
50 Shades Darker – 10 copies – \$13.00 each = \$130.00

47 Meters Down – 21 copies – \$14.99 each = \$314.79

Atomic Blonde – 24 copies – \$19.99 each = \$479.76

All Eyes on Me – 23 copies – \$14.99 each = \$344.77

American Made – 50 copies – \$19.99 each = \$999.50

The total retail value for the above-described movie DVDs is \$4,860.57.

6. Rotten Tomatoes is a well-known review aggregation website for film and television. According to their website, [www.rottentomatoes.com](http://www.rottentomatoes.com), "American Made" was wide-released in theaters on September 29, 2017, and is not scheduled for DVD release until January 9, 2018.